

## Supplement, Not Supplant

### Title I Schoolwide Guidance



New guidance was released July 30, 2015 by the United States Department of Education regarding *Supporting School Reform By Leveraging Federal Funds In A Schoolwide Program*. The guidance explains that some schoolwide flexibilities are not being used to their full extent. The guidance highlights specific advantages and flexibilities in schoolwide programs and identifies common misunderstandings.

#### Updated Explanation of the Law

The supplement, not supplant requirement in ESEA section 1120A(b) does not apply to a schoolwide program, and the school does not need to demonstrate that Title I funds are used only for activities that supplement those the school would otherwise provide with non-Federal funds. **Accordingly, presumptions used to determine if supplanting has occurred (i.e., if the activity is required by law; if the activity was provided in prior years with non-Federal funds; or if the activity is provided to non-Title I students with non-Federal funds) do not apply to uses of Title I funds in a schoolwide program.** However, in order for Federal funds to make a difference in supporting school reform in a schoolwide program, the Federal funds must supplement those funds the school would otherwise receive. To ensure that this occurs, a schoolwide program relies on the **equitable distribution of non-Federal funds (i.e. local, or state funds)**

Under ESEA section 1114(a)(2)(B): A schoolwide program school shall use Title I funds only to supplement the amount of funds that would, in absence of the Title I funds, be available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and English Learners.

Title I schools must receive their equal portion of all non-Federal funds. Equitable distribution of non-Federal funds may be allocated in multiple ways including; characteristics of students (e.g. low income, English Learners) or based on staffing and supplies (e.g. principal, teachers, librarian, materials).

If State or local law requires an activity, exclusion can occur for non-Federal funds from supplanting determinations **if the activity meets the intent and purposes of Title I**. For example:

A State law requires all third-grade students to meet the State's proficiency in reading/language arts in order to be promoted to the fourth grade. Any student who is not proficient at the start of third grade must be provided supplemental services designed to improve his/her reading proficiency. An LEA would not violate the schoolwide program supplement, not supplant requirement if it uses Title I funds to implement the required-by-law services in a schoolwide program school and uses supplemental non-federal funds to provide the same services in its non-Title I schools.

You can find complete guidance on *Supporting School Reform By Leveraging Federal Funds in a Schoolwide Program* at [http://www.doe.nv.gov/TitleI/Part\\_A/USED\\_NDE\\_Guidance/](http://www.doe.nv.gov/TitleI/Part_A/USED_NDE_Guidance/)